

**17-9560 REHAIF V. UNITED STATES**

DECISION BELOW: 888 F.3d 1138

LOWER COURT CASE NUMBER: 16-15860-AA

QUESTION PRESENTED:

Under federal law, persons of various statuses are prohibited from "possess[ing] in or affecting commerce, any firearm or ammunition." 18 U.S.C. § 922(g). One such status is being an alien "illegally or unlawfully in the United States." 18 U.S.C. § 922(g) (5)(A).

The penalty for violating § 922(g) is found in 18 U.S.C. § 924, which provides "Whoever knowingly violates subsection ... (g) ... of section 922 shall be fined, ... imprisoned, ... or both. 18 U.S.C. § 924(a)(2).

The question presented is:

Whether the "knowingly" provision of § 924(a)(2) applies to both the possession and status elements of a § 922(g) crime, as has been urged by then-Judge, now Justice Gorsuch, or whether it applies only to the possession element, as has been held by the courts.

CERT. GRANTED 1/11/2019